



July 10, 2003

The Honorable Gale Norton, Secretary
United States Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Norton:

I am writing you today to express my concern about a recent decision by your office to limit wilderness designations to those found in a settlement between the Interior Department and the State of Utah. While wilderness designations in Utah may be controversial, California supports protection of wilderness. We believe that the existing process for protecting eligible lands from exploitation until a designation can be made should be continued, and is the correct process for the federal government to follow in our state. We object to losing this protection through a settlement with another state that was negotiated without any opportunity on California's part to comment or participate.

The result of compelling California to accept this settlement with Utah permanently denies wilderness protection to a range of cherished emblems of California's natural heritage -- including Giant Sequoia groves, and stands of ancient redwoods in the Headwaters Forest.

This unfortunate state of affairs is the result of the settlement agreement you entered into on April 11, 2003 with the State of Utah. This settlement mandates that only Section 603 [of the Federal Land Policy and Management Act of 1976 (FLPMA)] authorized BLM to conduct a wilderness review, and that the authority of BLM to conduct wilderness review, including establishments of new wilderness study areas (WSA's), expired no later than October 21, 1993. The settlement further precludes BLM from establishing, managing or otherwise treating public lands, other than those already designated prior to 1993, as WSA's or wilderness without congressional authorization.

This new interpretation of how BLM can consider and protect potential wilderness areas marks a significant departure from existing jurisprudence and the policies of every president since Jimmy Carter, including Presidents Reagan and George H.W. Bush, and actions taken by the present George W. Bush administration¹.

¹ Approved Record of Decision in February, 2001, for the Two Rivers, John Day and Baker Resource Management Plan Amendments designating two new WSAs based on environmental analysis done under the Clinton administration.

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This unprecedented interpretation effectively prevents BLM from declaring that federal lands purchased after 1993 can qualify as wilderness. It also shuts the door on the possibility of designating federal lands that BLM had **already** determined should be accorded wilderness protections after 1993.

These two outcomes pose serious problems for California. By adopting this significant departure from accepted policy, you are preventing the federal government from managing --or even considering-- as wilderness areas cherished state and national areas of major importance in the Golden State. These include the Headwaters Forest, groves of Giant Sequoias adjacent to Kings Canyon National Park, and the Carrizo Plain.

Headwaters was the single largest grove of ancient redwoods in private ownership before it became part of the federal estate in March, 1999 when \$480 million was paid for its permanent protection, including \$130 million in State funds. Today, the California Resources Agency and BLM co-manage Headwaters Forest. BLM's draft plan for the Forest, completed in 2002, *recommended more than half of these ancient groves be designated a WSA* to preserve their outstanding wilderness qualities. Indeed, California was informed that BLM intended to carry through on this recommendation in the final plan. Now, however, that element of this well-considered plan to protect the Headwaters as wilderness is now null and void.

For California the situation has come to this: not one acre, not a single giant redwood in the ancient groves of Headwaters can now be considered, let alone managed, as a WSA under the terms of a settlement DOI entered into with another state.

Another example of a recent acquisition that the BLM is precluded from considering for wilderness designation is the Payne Ranch in Colusa County. Acquired by BLM in 1999, this 13,000-acre ranch shelters the second-largest wintering bald eagle population in California and is home to Tule elk and other large mammals. California's Department of Fish and Game has significant property interests within the boundaries of the ranch. This is so recent an acquisition that BLM has yet to evaluate this area's wilderness potential. Now, under the terms of the settlement with Utah, the BLM is actually prevented from beginning any studies or evaluations to decide if this biological gem should be accorded wilderness protection.

Your settlement, however, impacts far more than just newly acquired lands in California. Lands that the BLM has *already* decided meet the definition of "wilderness," such as giant sequoia groves adjacent to Kings Canyon National Park, are now automatically downgraded to lesser levels of protections. Giant Sequoias are the largest trees on the face of the planet, and the groves in question include many examples of this species which now only exist in a handful of locations in the Sierra Nevada.

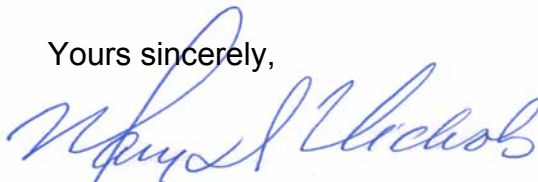
Other lands such as the Carrizo Plain National Monument, where BLM was just beginning its review, will also be affected. This glistening bed of white salt, set within a vast open grassland, and rimmed by steep mountains is home to diverse communities of wildlife and plant species and is an area culturally important to Native Americans. Under the terms of your settlement, it cannot now be managed to protect its wilderness values or considered for designation as a wilderness area.

This approach to the management of our priceless natural legacy, magnificent landscapes, and important biological heritage runs counter to all notions of open government and sound public policy. It excludes states from involvement in or comment on decisions regarding priceless natural resources within their borders. It shatters the expectations of average citizens that the federal government will protect as wilderness lands of extraordinary beauty and biological importance. And it flies in the face of the Department's "Four C's" – 'consultation, cooperation, communication -- all in the service of conservation' – a stated foundation of developing policy which you have personally expressed in public on several occasions.

This State, like previous federal administrations, believes that the BLM does have the authority to consider potential WSA designations during its planning process. I urge you to clarify that the BLM in California will consider appropriate lands for WSA designation, including recently acquired lands such as Headwaters, as well as lands acquired in the future. I also urge you to direct the BLM to encourage Californians to share information they have on the wilderness values of public lands as it prepares new land use plans.

When it comes to wilderness protection, nothing less than the preservation of our most priceless landscapes and natural legacy is at stake. In the interests of sound policy, public involvement and on behalf of our citizens and the countless generations yet to be born, I look forward to your response to this letter.

Yours sincerely,



Mary D. Nichols
Secretary for Resources

Cc: The Honorable Barbara Boxer
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein
United States, Senate
Washington, D.C. 20510